**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

# MISC.CIVIL APPLICATION No. 1668 of 2005

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE J.R.VORA**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MANISHABEN VIVEKGARG W/O.VIVEKBHAI SURESHCHANRDA GARG & ORS**

**Versus**

**CHANDUBHAI NATHALAL BADMALIYA & ORS**

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**Appearance :**
MR HASIT DILIP DAVE for Applicants
Opponent served
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**CORAM : HONOURABLE MR.JUSTICE J.R.VORA**

**Date : 03/10/2005**

## ORAL JUDGMENT

1. Heard learned Advocate Mr. Hasit Dilip Dave for the applicants.

2. This application is preferred for transferring Motor Accident Claim Petition No. 196 of

2003 pending before Motor Accident Claims Tribunal, Jamnagar to Motor Accident Claims Tribunal, Gandhinagar.

3. The opponents are served.

4. For the grounds mentioned in para-2 of the application and as submitted by learned Advocate for the applicants that only because the accident took place within territorial jurisdiction in the district of Jamnagar, the said petition came to be filed before Motor Accident Claims Tribunal at Jamnagar, but the applicant is now residing at Gandhinagar with her family and it would not be convenient for her to go at Jamnagar and attend Motor Accident Claim Petition which would also incur huge expenses.

5. In view of the grounds mentioned and in view of the statutory provisions now made in the Motor Vehicles Act, the application filed under Section 24 of the Civil Procedure Code is required to be allowed.

6. In the result, this application is allowed and it is directed that the Motor Accident Claim Petition No. 196 of 2003 pending before the Motor Accident Claims Tribunal, Jamnagar, is directed to be transferred to Motor Accident Claims Tribunal at Gandhinagar forthwith. Motor Accident Claims Tribunal, Jamnagar is further directed to transmit the Record and Proceedings of Motor Accident Claim Petition No. 196 of 2003 to the Motor Accident Claims Tribunal at Gandhinagar. Motor Accident Claims Tribunal at Gandhinagar is directed to register said Motor Accident Claim Petition on receiving Record and Proceedings and decide the same according to law. Rule made absolute.

**(J.R.VORA, J.)**

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